

**REMARKS**

Reconsideration is requested.

Claims 1-23, 26-29 and 31-34 are pending. Claims 12-23, 26-29 and 31-34 have been withdrawn from consideration. Claims 1-11 are under active consideration. Claim 5 has been objected to as being dependent on a rejected claim but has also been indicated as being allowable if rewritten with all of the limitations of the claim upon which it is currently dependent. See, page 5 of the Office Action dated November 5, 2002 (Paper No. 13).

Claims 1-11 have been amended to obviate the claim objection recited on page 2 of Paper No. 13. Withdrawal of the objection to claims 1-11 is requested.

Claims 9-11 have been amended to obviate the §101 rejection of the same. Withdrawal of the Section101 rejection of claims 9-11 is requested.

The Section102 rejection of claims 1-4, 7-9 and 11 over Garcia-Hernandez (Molecular Medicine, 1996, Vol. 2, No. 1, pages 125-133) is traversed. Similarly, the Section102 rejection of claims 1-4 and 7-11 over Leonard (Blood, 1996, Vol. 88, No. 010, Suppl. 1, part 1-2, page 443A), is traversed. Reconsideration and withdrawal of the Section102 rejections are requested as the applicants respectfully submit that the recited fragment or variant of the claims will be recognized by one of ordinary skill in the art to describe a fragment or variant of CD34, as opposed to any cell surface marker. The applicants submit that the Examiner's interpretation is contrary to the understanding of one of ordinary skill in the art and that the claims clearly define CD34 and fragments and variants of the same. The Examiner's interpretation based on a single paragraph of

**ZANDER**

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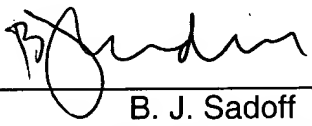
the specification fails, with due respect, to interpret the claims in light of the specification as a whole. Reconsideration and withdrawal of the Section 102 rejections are requested.

The Section 112, first paragraph, rejection of claim 6 is obviated by the fact that the depositor will irrevocably remove all restrictions previously imposed on the availability to the public of the deposited material upon the grant of a patent from the present application. See, attached Declaration. Withdrawal of the Section 112, first paragraph, rejection of claim 6 is therefore requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

The claims, as amended, are submitted to be in condition for allowance and a notice to that effect is requested.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By:   
B. J. Sadoff  
Reg. No. 36,663

BJS:ejs  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100